



Senate Committee on Judiciary

Presented by Eric Stafford, VP of Government Affairs, Kansas Chamber

Testimony in Support of Senate Bill 413- Prohibiting counsel from suggesting an amount to award

Thursday, February 5, 2026

Madam Chair and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber represents small, medium and large-sized businesses across the state, advocating for policies which improve the economic climate in Kansas. We appreciate the opportunity to submit comments in support of Senate Bill 413, which addresses a tactic used and promoted by plaintiff lawyers known as “Jury Anchoring.”

The Kansas Legislature, in many policy areas, has taken a very strong position that Kansas will be a business-friendly climate. One area where we have much room for improvement is the state’s legal climate, which matters to residents to keep the cost of living affordable. Whether we are talking food, services, healthcare, or insurance premiums, the risk of liability is factored into the costs associated with products or coverage. Improving our state’s legal climate is a top priority of our organization going forward. We seek fairness in our judiciary for all parties involved.

When the Kansas Supreme Court eliminated caps on noneconomic damages, the incentive to seek extraordinary noneconomic damage verdicts increased greatly. And without caps, the ability to protect our citizens access to affordable insurance premiums and quality healthcare is at risk daily.

Senate Bill 413 attempts to prevent anchoring by stating counsel cannot suggest to a jury an amount to award as damages for noneconomic loss. Plaintiff lawyers use this approach to inflate noneconomic damages to maximize award. An article from *Plaintiff* magazine stated “once an anchor number has been provided, the number exerts undue influence on the final figure” and “can sway decisions even when the anchor provided is completely arbitrary.” SB 413 intends to let the jury decide what is a reasonable award for noneconomic damages without undue influence from plaintiff lawyers.

Historically, Kansas did not allow for the use of mathematical formulas until the late 1960’s, according to our partners at the American Tort Reform Association. They cite several cases in Kansas history which eroded this prohibition in a whitepaper on the subject.

In closing, we ask for this committee to support Senate Bill 413 to protect Kansans from higher costs through inflated and arbitrary awards. We appreciate the opportunity to submit testimony in support of Senate Bill 413, and I would be happy to answer any questions the committee may have.